

REMARKS

In the November 20, 2006 Office Action, claims 7-11 and 13-15 were rejected under 35 USC § 102 as anticipated by Fijolek (U.S. Patent 6,223,222) and claim 16 was rejected under 35 USC § 103 unpatentable over Fijolek and Loukainov (U.S. Patent 6,249,529). Claims 7-11 and 13-16 are pending and under consideration. The rejections are respectfully traversed below.

Rejections under 35 USC 102

On pages 2-4 of the July 25, 2006 Office Action, claims 7-11 and 13-15 were rejected under 35 USC § 102(e) as anticipated by Fijolek. The Office Action summarized Fijolek as disclosing that a "cable modem ... receives a response by the QoS server which either accepts or rejects the QoS request" on lines 4-7 of page 7 and discussed in Fijolek at column 29, line 55 to column 30, line 8. In contrast, claim 7 currently recites "an access unit utilizing predetermined quality of service features" at lines 2-3 and "a service provider computer ... providing the predetermined the quality of service features to said access unit prior to the utilizing of the predetermined quality of service by said access unit" at lines 5-8. Clearly, the access unit of claim 7 is not requesting a QoS request from a QoS server, as disclosed in Fijolek, but utilizing QoS features that have already been allocated to it by the service provider computer. Therefore, it is submitted that independent claim 7 and dependent claims 8-11 and 13-15, which depend therefrom and add further patentable distinctions, are patentably distinguishable from Fijolek.

In item 12 on pages 4 and 5 of the Office Action, claim 16 was rejected under 35 USC § 103(a) as unpatentable over Fijolek and Loukainov. Claim 16 depends on claim 7 and it is submitted that Fijolek and Loukainov, individually or in combination, fail to address the deficiencies identified above with respect to Fijolek. Therefore, for the reasons discussed above, it is submitted that claim 16 is patentably distinguishable over Fijolek and Loukainov.

CONCLUSION

It is submitted that the cited references do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 7-11 and 13-16 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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